

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	:	Jorg Peetz, et al.
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Art Unit	:	2464
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APPEAL BRIEF

On Appeal from Group Art Unit 2464

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This Appeal Brief is submitted in support of the Notice of Appeal filed on September 3, 2010 and in response to the final Office Action of June 07, 2010.

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I. REAL PARTY IN INTEREST

The real party in interest of the above-identified application is Koninklijke Philips Electronics N.V., the assignee of record, whose assignment was recorded in the USPTO October 6, 2005 on four (4) pages beginning at Reel 017859, Frame 0451.

II. RELATED APPEALS AND INTERFERENCES

Appellants are not aware of any pending appeals, judicial proceedings, or interferences which may be related to, directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

- a) Claims 1-15 are pending at the time of filing this Appeal Brief, stand rejected in a final Office Action dated June 07, 2010, and are the subject of this appeal.
- b) Claims 1, 5, 9, and 11 are independent.

IV. STATUS OF AMENDMENTS

The claims listed in section "VIII. Claims Appendix" of this Appeal Brief correspond to the claims as submitted in Appellants' response filed on March 08, 2010 (in response to the non-final Office Action dated December 08, 2009). No claim amendments have been submitted following the response of March 08, 2010, nor are any amendments pending.

V. SUMMARY OF CLAIMED SUBJECT MATTER¹

The claimed invention, as recited in claim 1, is directed to a method of connecting a first subnet and a second subnet of a communication network by means of a bridge terminal (see Appellants' specification at least at page 5, lines 22-31) comprising: switching an operation of the bridge terminal between an operation in the first subnet on the first frequency channel and an operation in the second subnet on the second frequency channel, wherein the bridge terminal is unavailable for the first subnet when it is operated in the second subnet, and wherein the bridge terminal is unavailable for the second subnet when it is operated in the first subnet (page 6, lines 16-25); signaling the switching operation and the unavailability of the bridge terminal by means of a power saving signal of the communication network (page 13, lines 1-7).

The claimed invention, as recited in claim 5, is directed to "bridge terminal for connecting a first subnet and a second subnet of a communication network, wherein the first subnet operates on a first frequency channel and the second subnet operates on a second frequency channel, wherein an operation of the bridge terminal is switches between an operation in the first subnet on the first frequency channel and an operation in the second subnet on the second frequency channel, wherein the bridge terminal is unavailable for the first subnet when it is operated in the second subnet, wherein the bridge terminal is unavailable for the second subnet when it is operated in the first subnet (see Appellants' specification at least at page 6, lines 16-25), wherein the switching operation and the unavailability of the bridge terminal is signaled by means of a power saving signal of the communication network (page 13, lines 1-7).

The claimed invention as recited in claim 9, is directed to a communication

¹ It should be explicitly noted that it is not Appellants' intention that the currently claimed or described embodiments be limited to operation within the illustrative embodiments described below beyond what is required by the claim language. Further description of the illustrative embodiments are provided indicating portions of the claims which cover the illustrative embodiments merely for compliance with requirements of this appeal without intending to read any further interpreted limitations into the claims as presented.

network with a first subnet and a second subnet and a bridge terminal for connecting the first and second subnets (see Appellants' specification at least at page 5, lines 22-31), wherein the first subnet operates on a first frequency channel and the second subnet operates on a second frequency channel, wherein an operation of the bridge terminal is switched between an operation in the first subnet on the first frequency channel and an operation in the second subnet on the second frequency channel, wherein the bridge terminal is unavailable for the first subnet when it is operated in the second subnet, wherein the bridge terminal is unavailable for the second subnet when it is operated in the first subnet (page 6, lines 16-25), wherein the switching operation and the unavailability of the bridge terminal is signaled by means of a power saving signals of the communication network (page 13, lines 1-7).

The claimed invention, as recited in claim 11, is directed to a machine readable medium having stored thereon machine executable instructions that, when executed, implement a method for operating a bridge terminal of a communication network for connecting a first subnet and a second subnet, wherein the first subnet operates on a first frequency channel and the second subnet operates on a second frequency channel, wherein, when the instructions are executed on the bridge terminal, the instructions cause the bridge terminal to perform (see Appellants' specification at least at page 4, lines 1-4 and page 5, lines 22-31): switching an operation of the bridge terminal between an operation in the first subnet on the first frequency channel and an operation in the second subnet on the second frequency channel, wherein the bridge terminal is unavailable for the first subnet when it is operated in the second subnet, wherein the bridge terminal is unavailable for the second subnet when it is operated in the first subnet (page 6, lines 16-25); and signaling the switching operation and the unavailability of the bridge terminal by means of a power saving signals of the communication network (page 13, lines 1-7).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- A. Whether claims 1-2, 5-6, 9-15 are properly rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,816,502 to Ekl, et al. (hereinafter Ekl) in view of U.S. Patent 6,259,898 to Lewis (hereinafter Lewis) and U.S. Patent 6,665,520 to Romans (hereinafter Romans).
- B. Whether claims 3 and 7 are properly rejected under 35 U.S.C. §103(a) as being unpatentable over Ekl in view of Lewis and Romans, and further in view of U.S. Patent 6,018,642 to Adachi (hereinafter Adachi).
- C. Whether claims 4 and 8 are properly rejected under 35 U.S.C. §103(a) as being unpatentable over Ekl in view of Lewis and Romans, and further in view of alleged admitted prior art (hereinafter APA).
- D. Whether Claims 1-15 are properly rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,556,576 to Du, et al. (hereinafter Du I) in view of Lewis and Romans.
- E. Whether Claims 1-15 are properly rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 7,457,298 to Du et al. (hereinafter Du II) in view of Lewis and Romans.

F. VII. ARGUMENT

Appellants respectfully traverse the rejections in accordance with the detailed arguments set forth below.

A. Claims 1-2, 5-6, 9-15 are not properly rejected under 35 U.S.C. §103(a) as being unpatentable over Ekl in view of Lewis and Romans.

1. Claim 1

Independent claim 1 requires:

“signaling the switching operation and the unavailability of the bridge terminal by means of a power saving signal of the communication network.” [Emphasis added].

On pages 20 and 21 of the final Office Action, the Examiner concedes that the first underlined portion of the claimed invention is rejected using the combination of Ekl and Lewis, while the second underlined portion is rejected using Romans.

With regard to the first portion of the feature that states “signaling the switching operation and the unavailability of the bridge terminal,” the examiner states that Ekl does not teach signaling the switching operation and points to Lewis as allegedly showing this feature. The Examiner alleges that Lewis discloses an access point that broadcasts a beacon to indicate its availability. Thus, the combination of Ekl and Lewis allegedly discloses a bridge terminal that signals the switching operation as recited in claim 1. The Examiner relies on Lewis at column 6, lines 48-59 for support of the rejection of claim 1. Appellants respectfully disagree.

Lewis appears to teach an access point that includes a first transceiver for communicating wirelessly via a first frequency hopping sequence, and a second transceiver for communicating wirelessly via a second frequency hopping sequence different from the first frequency hopping sequence; the at least one of the first transceiver and the second transceiver broadcasting a beacon including hopping sequence data respectively corresponding to the first frequency hopping sequence or the second frequency hopping sequence; the mobile terminal responding to the beacon

by transmitting to the access point a request to register; and the access point selectively permitting registration of the mobile terminal with at least one of the first transceiver and the second transceiver in response to the request to register, based on a predetermined criteria. See *Lewis* at column 2, lines 35-42.

It is respectfully submitted that the Examiner misinterpreted the teaching of Lewis as disclosing an access point that broadcasts a beacon to indicate its availability. The beacons include frequency credentials that provide input to mobile terminals as to whether the mobile terminals can register with the access point. The registration process is further described at column 6, lines 48-58 of Lewis:

“[i]n a passive type registration system, the processor 30 may cause the primary transceiver 36a to broadcast a beacon periodically, the beacon indicating whether registration is possible. A mobile terminal 21 desiring to register will receive such beacon and respond in a conventional manner. Upon such time that the primary transceiver 36a reaches the predefined limit, the processor 30 instructs the transceiver 36a to modify the beacon such that registrations are not possible. In its place, the processor 30 causes the transceiver 36b periodic beacon to indicate registration availability in order that mobile terminals may register via the secondary transceiver 36b.”

As understood from the above citation, the beacons operable in Lewis' access point merely indicate whether a mobile terminal can register to the first transceiver or second transceiver. That is, whether a mobile terminal can communicate with the access point over the first or second channel. Further, Lewis teaches that mobile terminals can communicate on both channels. Thus, a mobile station can always register with the access point (either in the first or second transceiver), and the access point is always available for the mobile devices. Thus, the beacon, as disclosed by Lewis, does not signal the switching operation between subnets and further does not signal the unavailability for the first subnet when operating in the second subnet, in contrast to what is claimed by the Appellants.

To support this conclusion Appellants respectfully point to column 6 lines 59-69 of Lewis which teaches that the registration process, using the beacons mentioned above, allows the first transceiver and the second transceiver to communicate simultaneously with their respective mobile terminals.

A person skilled in the art should appreciate that allowing simultaneous transmissions on both the channels cannot be viewed or interpreted as switching the operation of the access point. The beacons indicate availability to register one of the transceivers of the access point and do not indicate the availability or the operation with regard to a group of mobile devices. In contrast to the claimed invention, the beacons and the registration process, as disclosed by Lewis, are designed to allow simultaneous transmission on both channels (subnets).

Appellants respectfully submit that a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *See MPEP section 2142.02*. Thus, if considering Lewis as a whole, it is submitted that disclosures therein teach away from the claimed invention.

In addition, it is respectfully submitted that even if it would have been proper to combine the access point of Ekl with the teachings of Lewis, an assumption that Appellants neither agree with nor acquiesce to, still the combination would fail to show or reasonably suggest the first portion of the claimed feature cited above.

Specifically, Ekl appears to teach an access point that transmits at least a first set of parameters intended for a first set of users and a second set of parameters intended for a second set of users. The access point communicates with the first set of users during a first time period and communicates with the second set of users during a second time period. The first time period and the second time period are exclusive of each other. Ekl also teaches the determination of which mobile stations belong to a first set of users and which mobile stations belong to a second set of users for the group aggregate communication time performed using existing algorithms, as currently known in the art. *See Ekl at column 2, lines 20-24*.

As stated above, the beacons sent by the access point of Lewis are merely aimed at allowing mobile terminals to register with either the first or second transceiver

of the access point. Thus, even under the broadest interpretation of the references, Lewis' method can be utilized in the context of Ekl's disclosure merely to determine which mobile stations belong to the first or second set of users. Thus, Lewis does not cure the deficiencies noted in the final Office action, and the combination does not provide any means for signaling the operation and availability of the bridge terminal, as recited in claim 1.

Romans is cited in the final Office action as allegedly showing the second portion of the claimed feature that states "a power saving signal of the communication network." The Examiner alleges that the combination of Lewis and Romans would result in a beacon that includes a wakeup flag that can be viewed as a power saving signal. Appellants respectfully disagree.

Romans appears to teach a control point in a wireless network that transmits control point beacons (CPBs). A control point beacon includes a wakeup flag that indicates whether a mobile station in the network should remain in an active mode or return to a low power (sleep) mode. If data is waiting to be transmitted to the station by the control point (the bridge terminal), then the wakeup flag is cleared and the station wakes up to receive the data. The station returns to a sleep mode when it has not received or sent any unicast data messages for a specified time, and the last received CPB did not have its wake-up flag set. *See Romans Col. 2 lines 38-53*

That is, Romans teaches a power management method to reduce the power consumption of stations in the network. According to Romans, a CPB signals to stations that they should be ready for reception of data and does not signal whether the control point is available or unavailable. In fact, Romans states that the access point is always active, and just the stations can enter a sleep mode. Therefore, a station that should receive a message wakes up for reception of the message from the control point.

As mentioned above, the provisions of the MPEP section 2142.02 require considering a prior art reference in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. Thus, if considering Romans as a whole, it is submitted that the disclosures therein teach away from the claimed invention, as the

CPB including the wakeup flag refers to the status of a mobile station and not of the control point (bridge terminal).

Further, even under the assumptions that the CPB of Romans can be viewed as the claimed power saving signal and that it is proper to combine Romans and Lewis, assumptions that Appellants neither agree with nor acquiesce to, still the proposed combination fails to teach or reasonably suggest the second portion of the claimed feature cited above.

In particular, beacons sent by the access point of Lewis are merely aimed at allowing mobile terminals to register with either the first or second transceiver of the access point. The CPBs, including the wakeup flag transmitted by the control point of Romans, indicate whether the mobile terminals should remain in an active mode or return to a low power mode. Therefore, the combination would result in a beacon that indicates to which channel a mobile terminal can register and whether the registration can be performed immediately (active mode) or later (low power mode). The resulting beacons do not whatsoever provide any information with regard to the operation and availability of the bridge terminal (access point or control point as they appear in the references). As mentioned above, in both the Romans and Lewis the access point and the control point are always available to all stations in the network.

Therefore, based on the foregoing Appellants respectfully submit that each reference does not teach the claimed features and the combination of references, as a whole, does not show the claimed invention.

On page 9 of the final Office action, the Examiner simply provides a conclusory statement that one of ordinary skill in the art would understand that the combination of Ekl and Lewis suggests the cited feature “signaling the switching operation and the unavailability of the bridge terminal.” The Examiner states that the motivation for using the beacon, that indicates the availability of an access point, with the access point that provides exclusive access to each subnet of users at different time periods is to improve the efficiency of the network by limiting the registration periods used by mobile terminals. However, this is different from and does not suggest Appellants’ claimed invention.

Furthermore, on page 10 of the final Office action the Examiner also provides a conclusory statement that one of ordinary skill in the art would understand that the combination of Ekl, Lewis, and Romans suggests the above cited feature of claim 1. The Examiner states that that the motivation for using the beacon that indicates whether a terminal should remain in a wakeup mode or return to a lower power mode, as taught by Romans, with the system that communicates with two sets of mobile terminals at different periods, as taught by Ekl and Lewis, is to improve the efficiency of the system by allowing terminals to use a low power mode when communication with the access point is unavailable. It is respectfully submitted that the Examiner confuses the term “terminal” with the “bridge terminal” recited in claim 1. Romans’ beacons indicate whether mobile stations should remain in a wakeup mode and not the control point (or bridge terminal). Thus, this is different from and does not suggest Appellants’ claimed invention.

It is respectfully submitted that conclusory statements do not meet the requirements under the MPEP and the KSR decision. The Supreme Court stated, “*there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.*” *KSR Int’l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (emphasis added)). While the proper inquiry for motivation is not limited to the overly rigid teaching suggestion motivation (TSM) test the Examiner cannot simply leapfrog to a conclusory statement. As pointed out in the recently issued updated Examiner Guidelines, it remains Office policy that appropriate factual findings are required in order to apply the enumerated rationales properly. The Examiner has not made the necessary factual findings and associated reasoning that are crucial to a proper obviousness determination according to the instructions provided in the MPEP.

The Examiner merely asserts that Roman’s CPBs would improve the efficiency of the system by allowing terminals to use a low power mode when communication with the access point is unavailable and that Lewis’ beacons would improve the efficiency of the network by limiting the registration periods used by mobile terminals. Appellants respectfully maintain that this is insufficient rationale to combine the teachings of Ekl,

Lewis, and Romans. None of the cited references, separately or in combination, reasonably suggests the feature of signaling the switching operation and the unavailability of the bridge terminal by means of a power saving signal of the communication network, as particularly recited in claim 1. Therefore, the Examiner has not shown that the combination of Ekl, Lewis, and Romans supports a prima facie case of obviousness.

In view of the above, Appellants respectfully submit that the features of claim 1 would not have been obvious to a person of ordinary skill in the art based upon a reading of Ekl, Lewis and Romans, separately or in combination. Therefore, it is respectfully requested that the Board reverse the rejection of claim 1 under 35 U.S.C. §103(a).

2. Claims 2 and 12

Each of claims 2 and 12 depends from claim 1 and further includes additional distinguishing features. Appellants apply the above arguments from claim 1 to each of dependent claims 2 and 12 as the particular interpretation of each claim requires. Thus, Appellants respectfully submit that the rejections of claims 2 and 12 under 35 U.S.C. 103(a) are unfounded and should be reversed.

3. Claim 5

On pages 10 and 11 of the final Office Action, the Examiner uses substantially the same arguments as set forth with regard to claim 1, alleging that claim 5 is rejected under 35 U.S.C. §103 over Ekl, Lewis, and Romans. Appellants' independent claim 5 includes, in part, the claimed feature: "switching operation and the unavailability of the bridge terminal is signaled by means of a power saving signal of the communication network."

Appellants apply the above reasoning for claim 1 to the specific features and claim interpretation of claim 5. The combination of Ekl, Lewis, and Roman does not disclose or suggest this claimed feature. As such, the Appellants respectfully submit that the Examiner has not presented a prima facie case of obviousness, and the

rejection of independent claim 5 under 35 U.S.C. 103(a) is unfounded and should be reversed.

4. Claims 6 and 13

Each of claims 6 and 13 depends from claim 5 and further includes additional distinguishing features. Appellants apply the above arguments from claim 1 to each of dependent claims 6 and 13 as the particular interpretation of each claim requires. Thus, Appellants respectfully submit that the rejections of claims 6 and 13 under 35 U.S.C. 103(a) are unfounded and should be reversed.

5. Claim 9

On pages 13-15 of the final Office Action, the Examiner uses substantially the same arguments as set forth with regard to claim 1, alleging that independent claim 9 is rejected under 35 U.S.C. §103 over Ekl, Lewis, and Romans. Appellants' independent claim 9 includes, in part, the claimed feature: "switching operation and the unavailability of the bridge terminal is signaled by means of a power saving signals of the communication network"

Appellants apply the above reasoning for claim 1 to the specific features and claim interpretation of claim 9. The combination of Ekl, Lewis, and Roman does not disclose or suggest this claimed feature of claim 9. As such, the Appellants respectfully submit that the Examiner has not presented a prima facie case of obviousness, and the rejection of independent claim 9 under 35 U.S.C. 103(a) is unfounded and should be reversed.

6. Claims 10 and 14

Each of claims 10 and 14 depends from claim 9 and further includes additional distinguishing features. Appellants apply the above arguments from claims 1 and 9 to each of dependent claims 10 and 14 as the particular interpretation of each claim requires. Thus, Appellants respectfully submit that the rejections of claims 10 and 14 under 35 U.S.C. 103(a) are unfounded and should be reversed.

7. Claim 11

On pages 15-17 of the final Office Action, the Examiner uses substantially the same arguments as set forth with regard to claim 1, alleging that claim 11 is rejected under 35 U.S.C. §103 over Ekl, Lewis, and Romans. Appellants' independent claim 11 includes, in part, the claimed feature: "signaling the switching operation and unavailability of the bridge terminal by means of a power saving signals of the communication network."

Appellants apply the above reasoning for claim 1 to the specific features and claim interpretation of claim 11. The combination of Ekl, Lewis, and Roman does not disclose or suggest this claimed feature. As such, the Appellants respectfully submit that the Examiner has not presented a prima facie case of obviousness, and the rejection of independent claim 11 under 35 U.S.C. 103(a) is unfounded and should be reversed.

8. Claims 12 and 15

Each of claims 12 and 15 depends from claim 11 and further includes additional distinguishing features. Appellants apply the above arguments from claims 1 and 11 to each of dependent claims 12 and 15 as the particular interpretation of each claim requires. Thus, Appellants respectfully submit that the rejections of claims 12 and 15 under 35 U.S.C. 103(a) are unfounded and should be reversed.

B. Claims 3 and 7 are not properly rejected under 35 U.S.C. §103(a) as unpatentable over Ekl in view of Lewis, and Romans in further in view of Adachi

Each of claims 3 and 7 ultimately depends from one of independent claims 1 and 5. Furthermore, each dependent claim includes additional distinguishing features. Appellants apply the above arguments from claims 1 and 5 to each dependent claim as the particular interpretation of each claim requires. Adachi does not cure the deficiencies of the combination of Ekl, Lewis, and Romans as noted above. The combination of references fails to show or suggest each and every claimed feature.

Thus, Appellants respectfully submit that the rejections of claims 3 and 7 under 35 U.S.C. 103(a), are unfounded and should be reversed.

C. Claims 4 and 8 are not properly rejected under 35 U.S.C. §103(a) as unpatentable over Ekl in view of Lewis and Romans and further in view APA.

Each of claims 4 and 8 ultimately depends from one of independent claims 1 and 5. Furthermore, each dependent claim includes additional distinguishing features. Appellants apply the above arguments from claims 1 and 5 to each dependent claim as the particular interpretation of each claim requires. Alleged APA does not cure the deficiencies of the combination of Ekl, Lewis, and Romans as noted above. The combination of references fails to show or suggest each and every claimed feature. Thus, Appellants respectfully submit that the rejections of claims 4 and 8 under 35 U.S.C. 103(a), are unfounded and should be reversed.

D. Claims 1-15 are not properly rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 1 of Du I in view of Lewis and Romans.

The patentable distinctions between the independent claims and the Romans and Lewis combination have been discussed above and will not be repeated herein. Appellants essentially repeat the remarks above for the independent claims with regard to Romans and Lewis. Du I appears to be assigned in common to the assignee of the present application. The final Office Action notes the deficiencies in the teachings of Du I, which deficiencies Appellants neither acquiesce to nor agree with herein. Lewis and Romans were added to Du I to cure the noted deficiencies, especially with respect to “signaling the switching operation and the unavailability of the bridge terminal by means of a power saving signal of the communication network,” as recited, for example, in claim 1.

As already noted above, Lewis and Romans lack any teaching about using a power saving signal or about signaling the switching operation and unavailability of the bridge terminal. Thus, even if it were proper to combine Lewis, Romans, and Du I, an

assumption with which Appellants neither acquiesce to nor agree with, the resulting combination would still not teach, show, or suggest all the limitations of claim 1 and the other independent claims.

In light of these remarks and the patentable distinctions discussed above with respect to the independent claims, it is believed that claims 1-15 would not have been obvious to a person of ordinary skill in the art upon a reading of claims in Du I, Romans and Lewis, either separately or in combination. Thus, it is submitted that the rejection of claims 1-15 under judicially created doctrine of nonstatutory obviousness-type double patenting is unfounded and should be reversed.

E. Claims 1-15 are not properly rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-18 of Du II in view of Lewis and Romans.

The patentable distinctions between the independent claims Romans and Lewis have been discussed above and will not be repeated herein. Appellants essentially repeat the remarks above for the independent claims and the Romans and Lewis combination. Du II appears to be assigned in common to the assignee of the present application. The final Office Action notes the deficiencies in the teachings of Du II, which deficiencies Appellants neither acquiesce to nor agree with herein. Lewis and Romans were added to Du II to cure the noted deficiencies, especially with respect to “signaling the switching operation and the unavailability of the bridge terminal by means of a power saving signal of the communication network,” as recited, for example, in claim 1.

As already noted above, Lewis and Romans lack any teaching about using a power saving signal or about signaling the switching operation and unavailability of the bridge terminal. Thus, even if it were proper to combine Lewis, Romans and Du II, an assumption with which Appellants neither acquiesce to nor agree with, the resulting combination would still not teach, show, or suggest all the limitations of claim 1 and the other independent claims.

In light of these remarks and the patentable distinctions discussed above with respect to the independent claims, it is believed that claims 1-15 would not have been obvious to a person of ordinary skill in the art upon a reading of claims in Du II, Romans and Lewis, either separately or in combination. Thus, it is submitted that the rejection of claims 1-15 under judicially created doctrine of nonstatutory obviousness-type double patenting, is unfounded and should be reversed.

CONCLUSION

In light of the above, Appellants respectfully submit that the rejection of claims 1-15 are in error, legally and factually, and must be reversed.

Respectfully submitted,

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VIII. CLAIMS APPENDIX

1. **(Previously Presented)** A method of connecting a first subnet and a second subnet of a communication network by means of a bridge terminal, wherein the first subnet operates on a first frequency channel and the second subnet operates on a second frequency channel, the method comprising:

switching an operation of the bridge terminal between an operation in the first subnet on the first frequency channel and an operation in the second subnet on the second frequency channel, wherein the bridge terminal is unavailable for the first subnet when it is operated in the second subnet, and wherein the bridge terminal is unavailable for the second subnet when it is operated in the first subnet; and

signaling the switching operation and the unavailability of the bridge terminal by means of a power saving signal of the communication network.

2. **(Original)** The method of claim 1, wherein the communication network is a packet transmission network in accordance with the IEEE 802.11 standard.

3. **(Previously Presented)** The method of claim 2, wherein the operation of the bridge terminal is switched periodically between the first and second subnets such that the bridge terminal is operated in each of the first and second subnets for a predetermined duration; and wherein jitters in the predetermined duration are compensated over a plurality of switching cycles by controlling the switching.

4. **(Original)** The method of claim 1, wherein a content of missed beacon signals is reported by the bridge terminal by means of a probe/probe signalling.

5. **(Previously Presented)** A bridge terminal for connecting a first subnet and a second subnet of a communication network, wherein the first subnet operates on a first frequency channel and the second subnet operates on a second frequency channel, wherein an operation of the bridge terminal is switches between an operation in the first subnet on the first frequency channel and an operation in the second subnet on the second frequency channel, wherein the bridge terminal is unavailable for the first subnet when it is operated in the second subnet, wherein the bridge terminal is unavailable for the second subnet when it is operated in the first subnet, wherein the switching operation and the unavailability of the bridge terminal is signaled by means of a power saving signal of the communication network.

6. **(Original)** The bridge terminal of claim 5, wherein the communication network is a packet transmission network in accordance with the IEEE 802.11 standard.

7. **(Original)** The bridge terminal of claim 5, wherein the operation of the bridge terminal is switched periodically between the first and second subnets such that the bridge terminal is operated in each of the first and second subnets for a predetermined duration; and wherein jitters in the predetermined duration are compensated over a plurality of switching cycles by controlling the switching.

8. **(Original)** The bridge terminal of claim 5, wherein a content of missed beacon signals is reported by the bridge terminal by means of a probe/probe signalling.

9. **(Previously Presented)** A communication network with a first subnet and a second subnet and a bridge terminal for connecting the first and second subnets, wherein the first subnet operates on a first frequency channel and the second subnet operates on a second frequency channel, wherein an operation of the bridge terminal is switched between an operation in the first subnet on the first frequency channel and an operation in the second subnet on the second frequency channel, wherein the bridge terminal is unavailable for the first subnet when it is operated in the second subnet, wherein the

bridge terminal is unavailable for the second subnet when it is operated in the first subnet, wherein the switching operation and the unavailability of the bridge terminal is signaled by means of a power saving signals of the communication network.

10. **(Original)** The communication network of claim 9, wherein the communication network is a packet transmission network in accordance with the IEEE 802.11 standard.

11. **(Previously Presented)** A machine readable medium having stored thereon machine executable instructions that, when executed, implement a method for operating a bridge terminal of a communication network for connecting a first subnet and a second subnet, wherein the first subnet operates on a first frequency channel and the second subnet operates on a second frequency channel, wherein, when the instructions are executed on the bridge terminal, the instructions cause the bridge terminal to perform:

switching an operation of the bridge terminal between an operation in the first subnet on the first frequency channel and an operation in the second subnet on the second frequency channel, wherein the bridge terminal is unavailable for the first subnet when it is operated in the second subnet, wherein the bridge terminal is unavailable for the second subnet when it is operated in the first subnet; and

signaling the switching operation and the unavailability of the bridge terminal by means of a power saving signals of the communication network.

12. **(Previously Presented)** The method of claim 1, wherein a presence time of the bridge terminal in each of the subnets is set to a mean presence time, a presence time is equal for both the first subnet and the second subnet, thereby avoiding delays in data transmission.

13. **(Previously Presented)** The bridge terminal of claim 5, wherein a presence time of the bridge terminal in each of the subnets is set to a mean presence time, a presence

time is equal for both the first subnet and the second subnet, thereby avoiding delays in data transmission.

14. **(Previously Presented)** The communication network of claim 9, wherein a presence time of the bridge terminal in each of the subnets is set to a mean presence time, a presence time is equal for both the first subnet and the second subnet, thereby avoiding delays in data transmission.

15. **(Previously Presented)** The machine readable medium of claim 11, wherein a presence time of the bridge terminal in each of the subnets is set to a mean presence time, a presence time is equal for both the first subnet and the second subnet, thereby avoiding delays in data transmission.

IX. EVIDENCE APPENDIX

No evidence has been submitted pursuant to §§ 1.130, 1.131, or 1.132 of this title nor any other evidence entered by the examiner and relied upon by Appellants in the appeal.

X. RELATED PROCEEDINGS APPENDIX

Appellants are not aware of any appeals or interferences related to the present application.